

APPEAL NO. 021589  
FILED AUGUST 8, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 22, 2002. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits for the third, fourth, and fifth quarters, and that other medical records showed that she had some ability to work during the qualifying periods but did not seek employment.

The claimant appeals, arguing inability to work. The respondent (carrier) responds that the decision is correct and supported by the record.

DECISION

We affirm the hearing officer's decision.

As related to this decision, where no job search was made at all, the hearing officer had to apply Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)), which defines "good faith" as follows:

- (d) Good Faith Effort. An injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee:
  - (4) has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work[.]

In this case, the hearing officer's determination that there were other records showing an ability to work is supported by medical evidence, including a functional capacity evaluation. In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We affirm the decision and order.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**C.T. CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge